



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** May 2, 2017

**Time:** 6:30 PM

**Location:** City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA

### 1. ROLL CALL

Roll Call showed 9 present.

Mayor Kennedy presiding.

C. Mercier requested moment of silence in darkened chamber for Renee Gauthier.

M. Kennedy noted it was National Small Business Week by recognizing following businesses in Lowell: Athenian Corner; Brew'd Awakenings; Cotes Market; Emmanuel Boutique; Nanas Kitchen; Torpey Travel Agency; and Ymittos Candles.

### 2. CITY CLERK

#### 2.1. Minutes of Finance SC April 24th; Downtown Redevelopment SC April 25th; City Council Meeting April 25th, for acceptance.

In City Council, minutes read, **Motion** "To accept as amended and place on file" by C. Mercier, seconded by C. Rourke. So voted. **Motion** by C. Samaras, seconded by C. Rourke to amend minutes to reflect his position that local groups should not have to pay user fees for fields in the City. So voted.

C. Mercier requested that Item # 5.1 be taken out of order. Approved with no objection.

C. Leary requested that Item #8.6 be taken out of order. Approved with no objection.

### 3. COMMUNICATIONS FROM CITY MANAGER

#### 3.1. Motion Responses

In City Council, read, **Motion** "To accept and place on file" by C. Mercier, seconded by C. Samaras. So voted.

A) Berm Repair Daley School. – C. Leary noted the work that had been done.



B) Report of Progress Veterans Park. – C. Leahy questioned if matter had been before Board of Parks and that Representative Nangle be kept informed of all developments. Thomas Bellegarde (DPW) noted that there have been preliminary discussions before the Board.

C) Street Light on W Tenth Street. - No comments.

D) Lighting and Safety Issue at Parking Lot on Broadway Street. – C. Belanger questioned the ownership of parcel and noted the need for lights in the area. Mr. Bellegarde noted parcel was owned by State. Manager Murphy noted he would reach out to State and have a discussion over lighting.

E) Flood Mitigation. – C. Mercier noted the subcommittee meetings held on this issue and provided report of Neighborhoods/Flood Issues SC joint meeting. See Item #6.1.

F) Ayers City Redevelopment. – C. Belanger noted project was moving along and noted negotiations with VFW was finalized. Manager Murphy commented on process and noted that State money would be used for the design. **Motion** to refer matter to Economic Development SC by C. Belanger, seconded by C. Samaras. So voted. C. Leahy questioned new entrance to area. Kevin Coughlin (DPD) noted that plans are not final but that existing roadway would still be utilized.

G) Broadway Street Bridge Construction Update. – C. Leahy noted timeline for completion and spoke to delays caused by National Grid.

H) Impact of Federal Funding Cuts. - No comments.

I) Feasibility of a Regional Holding Facility. – C. Leary commented on condition of City cells and possible need to house in more appropriate facility.

J) Annual Lien Auction Update. – Registered speaker David Foss addressed the Council. Christine O'Connor (City Solicitor) commented on issue by way of background and how the miscommunication came about. C. Mercier questioned if check was received from bidder to City. Atty. O'Connor spoke to auction process. C. Mercier noted bidder should get property has all rules were followed. **Motion** by C. Mercier, seconded by C. Milinazzo to refer to City Manager to remove from auction list and move forward with transfer to bidder. So voted. C. Milinazzo noted bidder followed rules and regulations. C. Belanger commented on the area where parcel is located and noted bidder followed rules. C. Samaras noted that protocol was followed.

K) Charter School Reimbursement. – C. Elliott noted that the State budget did not make adjustments for reimbursements and commented that like situated communities should



come together to bring leverage to the request. Manager Murphy commented on historical practice of not funding these requests but he would continue to work on local delegation. M. Kennedy noted the enormous expense with Charter School funding.

**Motion** by M. Kennedy, seconded by C. Elliott to request City Manager have Law Department draft home rule petition requesting 100% charter school reimbursement and explore possibility of other like situated communities join. So voted.

### **Informational**

L) Informational - National Small Business Week. – See discussion under Item #1.

### **3.2. Communication-Accept resignation of William Arvidson Jr., Lowell Sustainability Council.**

In City Council, read, **Motion** “To accept and place on file” by C. Mercier, seconded by C. Rourke. So voted.

### **3.3. Communication - City Mgr. request Out of State Travel (1) LPD.**

In Council, **Motion** to adopt by C. Rourke, seconded by C. Leary. Adopted per Roll Call vote 9 yeas. So voted. Out of State Travel request from LPD to Arlington, Virginia was pulled from agenda, Seattle, Washington request move forward for approval.

## **4. VOTES FROM THE CITY MANAGER**

### **4.1. Vote-Transfer \$29,500.00 to prepare cemeteries for Memorial Day**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Rourke, seconded by C. Samaras. Adopted per Roll Call vote 9 yeas. So voted.

### **4.2. Vote-Transfer \$110,000.00 to cover additional needs to support Veterans' Services**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Samaras, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted.

### **4.3. Vote-License Agreement 291 Jackson St.-Lot 5 (Screen Gems Productions Inc.) Proud Mary**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Milinazzo, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted.



#### 4.4. **Vote-Accept gift of \$250.00 from Lowell Housing Authority**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Samaras, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. C. Rourke requested suspension of rules to allow members of Boy Scout Troop to address body to earn a merit badge. Allowed without objection. Members addressed the body.

### 5. **RESOLUTIONS**

#### 5.1. **Resolution-Support for Southern Cameroon Community in New England**

In City Council, Read twice, full reading waived with no objections, **Motion** to adopt by C. Mercier, seconded by C. Samaras. Adopted per Roll Call vote 9 yeas. So voted. Registered speaker Fru Knemburg addressed the body. C. Mercier commented on request from the community.

### 6. **REPORTS (SUB/COMMITTEE, IF ANY)**

#### 6.1. **Joint Neighborhoods/Flood Issues SC May 1st; Finance SC May 2nd; and Zoning SC May 2nd.**

**Joint Neighborhoods/Flood Issues SC May 1, 2017.** - C. Mercier provided report noting attendance and discussion of flood warning protocol, resources used for information and notice used to inform public. **Motion** by C. Mercier, seconded by C. Rourke to request City Manager begin re-negotiations with Enel regarding lowering the fifty foot threshold level for flood warnings. C. Elliott commented on efforts throughout the years regarding the bladder dam. C. Rourke provided report regarding an RFP by City for property located on Varnum Avenue. C. Rourke noted parcel was contaminated and the RFP was needed to protect City from possible clean-up of site. **Motion** to accept the report as a report of progress by C. Mercier, seconded by C. Rourke. So voted.

**Finance SC May 2, 2017.** – C. Elliott reported on the meeting noting attendance and discussion of Lowell High School Project costs effect on commercial taxes in the City. C. Elliott noted discussions on tax classification shift as well as effect by TIF which would be lapsed as per agreement. **Motion** by C. Elliott, seconded by C. Milinazzo to request City Manager prepare report regarding financial impact of TIF in terms of commercial taxes being effected by costs of Lowell High School Project. . **Motion** to accept the report as a report of progress by C. Mercier, seconded by C. Rourke. So voted.



**Zoning SC May 2, 2017.** – C. Milinazzo reported on meeting noting attendance and discussion of proposed zoning amendments. C. Milinazzo noted that full information will be provided to Council. **Motion** to table discussion until May 9, 2017 when City Council has full information by C. Mercier, seconded by C. Rourke. So voted.

## **7. PETITIONS**

### **7.1. Claim - (1) personal/property.**

In Council, **Motion** to refer to Law Department for report and recommendation by C. Leary, seconded by C. Leahy. So voted.

### **7.2. Misc. - Bob Montgomery request permission to discuss pedestrian safety in regards to Lowell High School project.**

In Council, **Motion** to refer to Law Department for report and recommendation by C. Milinazzo, seconded by C. Leary. So voted. Petitioner, Bob Montgomery, addressed the Council.

### **7.3. Misc. - Charles Arnold (Lowell Bicycle Coalition) request City Council prioritize the re-striping of existing bicycle lanes in the City each spring.**

In Council, **Motion** to refer to Law Department for report and recommendation by C. Milinazzo, seconded by C. Rourke. So voted. Petitioners, Charles Arnold and registered speakers Kevin Soleil and Mindy Nelson addressed the Council.

## **8. CITY COUNCIL - MOTIONS**

### **8.1. C. Leahy - Req. City Mgr. explore feasibility of creating an ordinance to ensure permits are issued between 60 and 90 days from incident in order to rehab or demolish a fire damaged structure.**

In City Council, seconded by C. Leary, referred to City Manager. So voted. C. Leahy noted the need to speed up process and move on insurance claims.

### **8.2. C. Samaras - Req. City Mgr. request Supt. of Lowell Schools prepare a presentation and/or report regarding buildings needed to meet the educational plan for the Lowell School system.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Samaras noted the Superintendent should be involved in discussion and that information he could supply would be helpful in the selection process. C. Leahy noted the Superintendent should voice his needs and that such information would be helpful.



**8.3. C. Belanger - Req. City Mgr. update City Council regarding JFK Plaza improvements.**

In City Council, seconded by C. Leary, referred to City Manager. So voted. Armand Hebert, registered speaker, addressed the Council. C. Belanger noted the need to improve area and have it ready for Folk Festival. C. Elliott noted work has begun and that the City is supplying the labor. Manager Murphy outlined the timeline of the project.

**8.4. C. Leary/C. Leahy - Req. City Mgr. initiate an inquiry for a financial review; specific to all Gateway Cities School building projects, as it relates to a needed increase to the square foot reimbursement rate with the MSBA and Treasurer Goldberg.**

In City Council, no second needed, referred to City Manager. So voted. C. Leary commented that if you do not ask you will not receive and using a different approach may have some benefits. C. Leahy noted the unique situation of Lowell and that with such a big diverse project there may be some accommodations.

**8.5. C. Leary - Req. City Mgr. work with the DPW in order to improve the road conditions on Ruth Street.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Leary noted motion speaks for self.

**8.6. C. Leary - Req. City Mgr. work with the appropriate department in order to improve the road drainage issues between Alcott Street and Windward Road.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. Registered speaker, Lynn Daily, addressed the Council. C. Leary noted issue needs to be identified and addressed.

**8.7. C. Elliott - Req. City Mgr. have Inspectional Services initiate neighborhood "SWAT" team to address code violations at dilapidated properties in City.**

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Elliott noted it was done some time ago and that it was effective as it identified issues. C. Rourke commented on program being done regularly. Manager Murphy noted that they are scheduling a few inspections.



**8.8. C. Elliott - Req. City Mgr. report on current repairs needed at Lowell High School.**

In City Council, seconded by C. Leary, referred to City Manager. So voted. Registered speaker, Armand Hebert, addressed the Council. C. Elliott noted the need to know the extent of the problem and the repairs needed.

**8.9. C. Rourke - Req. City Mgr. have Building Dept. enforce an ordinance mandating that all non-owner occupied buildings and construction sites in the City display a sign indicating a 24 hour working phone number, email address as well as a current street address for inquiries; sign to be at least 18 inches by 12 inches with 1 inch font and displayed at all entrances and exits; any noncompliance after October 1, 2017 will be subject to fine of \$100 per day.**

In City Council, seconded by C. Samaras, referred to City Manager. So voted. Registered speaker, Armand Hebert, addressed the Council. C. Rourke commented on reason behind motion noting that calls to owner at all times may be effective. C. Leahy questioned signs applicable for construction sites and what would regulations be.

C. Elliott requested suspension of the rules to discuss "Pub Crawl" incident in downtown. Allowed without objection. C. Elliott noted that establishments should be regulated tougher with stricter enforcement. Manager Murphy noted discipline is called for and that he is investigating the matter to see what exactly happened. C. Rourke questioned if permitting were done for such events. Manager Murphy noted it was a social media event. C. Leahy suggested that such groups should register for these events. C. Leary noted the owners are aware of what is happening. C. Samaras question the suitability of some establishments downtown. C. Elliott noted problem locations.

**9. ANNOUNCEMENTS**

None.

**10. ADJOURNMENT**

In City Council, **Motion** to Adjourn by C. Rourke, seconded by C. Samaras. So voted.

Meeting adjourned at 8:40 PM.

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Michael Geary, City Clerk